

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Modification of Parts 2 and 15 of the	)	ET Docket No. 03-201
Commission's Rules for Unlicensed devices	)	
and equipment approval.	)	
	)	
To the Commission:	)	

Via the ECFS

**REPLY COMMENTS OF AGERE SYSTEMS**

Agere Systems ("Agere") is a leading manufacturer of chipsets, reference designs, and firmware for Wireless Local Area Network ("WLAN") devices and other equipment that operates as unlicensed Part 15 devices under the Commission's rules.

Agere actively participates in the IEEE 802™ Local Area and Metropolitan Area Network Standards Committee ("IEEE 802"), the global leader in developing industry consensus-based standards for wired and wireless computer networks.

Agere is also a member of the Wi-Fi Alliance ("the Alliance"), an industry group that conducts interoperability testing and certification of devices built to comply with the IEEE 802.11™ family of wireless LAN standards and promotes their use, as well as a promoter member of the Bluetooth SIG, Inc.

As such, Agere is an interested party in this proceeding ("the NPRM") and appreciates the opportunity to present these timely filed reply comments for the Commission's consideration.

### **AGERE SUPPORTS THE COMMENTS OF IEEE 802 AND THE WI-FI ALLIANCE**

1. Given our participation in the regulatory committees of both IEEE 802 and the Wi-Fi Alliance, Agere is familiar with the content of – and supports – the initial comments filed in this proceeding by those groups.

### **AGERE MUST RESPECTFULLY OPPOSE THE REQUEST BY SIRIUS SATELLITE RADIO INC. FOR TIGHTER LIMITS ON EMISSIONS BY PART 15 DEVICES**

2. Agere cannot support the aspect of the comments of Sirius Satellite Radio Inc. (“Sirius”) wherein Sirius requests that the Commission enact more stringent out of band emissions requirements on devices that operate under Part 15 of the Commission’s rules and we feel compelled to respond to that aspect of the comments filed by Sirius Satellite in the above captioned proceeding.

3. The Commission has previously considered this subject and Agere believes that no new information has been submitted by Sirius to support addressing this question again in the instant proceeding.

### **SIRIUS’ REQUESTED RELIEF IS OUT OF SCOPE IN THE INSTANT PROCEEDING**

4. In reviewing the NPRM, its scope was limited to addressing specific streamlining issues under Part 2 and Part 15 of the rules. The proposal by Sirius neither provides any streamlining of the Commission’s Part 15 rules, nor any cost savings for manufacturers or consumers of Part 15 devices. In fact, Sirius’ proposal would have the opposite effect by requiring additional testing and unnecessary and costly redesign of existing Part 15 devices in order to meet the more stringent requirements that Sirius proposes.

5. Agere believes that Sirius’ request for changes to out of band emission limits for Part 15 devices is out of scope with regards to the NPRM, contrary to the public interest, and that it should not be considered by the Commission within the context of the instant proceeding.

**A REVIEW OF THE BODY OF RECORD ON THIS ISSUE ALSO SUPPORTS  
DISMISSING/DENYING SIRIUS' PROPOSAL**

6. This issue was *specifically* addressed by the Commission in the 2nd Report and Order in ET Docket No. 99-231, *wherein the Commission specifically dismissed a virtually identical proposal*. The Commission stated that no change in the limits was justified and that any future action would have to be addressed on a case-by-case basis addressing specific interference issues. Further the Commission stated that no proposed changes would be considered until sufficient and compelling new information was available to support such a request. We do not believe that Sirius' comments fulfill the Commission's requirement for a compelling body of new supporting information on this subject.

7. Currently Satellite Digital Audio Radio Systems are being installed with no reports of interference, including interference in newer vehicles equipped with 2.4 GHz Bluetooth™ devices for hands free cell phones. To the best of our knowledge, there have been no reported and verified cases of Part 15 device interference into SDARS receivers. Moreover, the SDARS operators' own advertising tends to refute their claim of significant interference potential<sup>1</sup>, since it clearly shows SDARS receivers being used, for example, in a modern office with a wide variety of Part 15 devices operating in close proximity. These facts run counter to and further do not support the conclusions reached by Sirius in the proposed change requests.

8. The Commission has previously stated in previous rulings that the out of band emission limits were more than adequate to protect other services including emergency and public safety services. We believe, therefore, the current emission limits should be more than adequate to protect an entertainment service such as SDARS, especially in light of the SDARS operators' deployment of high-powered terrestrial repeaters in areas where Part 15 device density would be greatest.<sup>2</sup>

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<sup>1</sup> Current advertising of SDARS receivers and service do not offer any disclaimers stating that the SDARS receivers will not work, or will suffer interference, in a wireless home or office.

<sup>2</sup> The use of high-powered terrestrial repeaters should provide a significant increase in link margin in the areas they cover, compared to reception of signals directly from the SDARS satellites in the same areas.

## **SUMMARY AND CONCLUSION**

9. The request appears to be out of scope in the instant proceeding.
10. The Commission has previously considered – and rejected – a virtually identical request by SDARS licensees.
11. There is no support in the public record to justify changing the requirements as Sirius requests.
12. If Sirius' proposal was adopted it would have a very costly and detrimental effect on the Part 15 community overall. Manufacturers of all sorts of Part 15 devices – from computers to cordless phones to wireless LAN and Bluetooth wireless devices – would be required to re-engineer and test their products to comply with the new emission limits; this would result in unnecessary higher costs to consumers and business users.
13. Therefore, in light of all of the above-listed facts, Agere must respectfully recommend and request that the Commission dismiss/deny the request filed by Sirius in their comments as they pertain to the out of band emission limits for Part 15 devices.

Respectfully submitted,

/s/

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